

its quality or strength. It was alleged to be misbranded in that the names "Egg Yolk" and "Spray Hen Yolk" were false and misleading; in that it was offered for sale under the name of another food; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 1, 1941, Rogol Distributors, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be mixed with 10 percent of cocoa so that it could not be sold as spray hen egg yolk and that it be properly relabeled, all under the supervision of the Food and Drug Administration.

FISHERIES PRODUCTS

SHELLFISH

2403. Alleged adulteration of oysters. U. S. v. Isaac W. Lawson and Norman E. Lawson (I. W. Lawson & Co.). Plea of nolo contendere. Judgment of not guilty. (F. D. C. No. 4180. Sample Nos. 21886-E, 42303-E, 42304-E, 42309-E, 42313-E, 42314-E, 42317-E.)

This case was instituted on charges based on the alleged presence of excess water in certain shipments of oysters.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Isaac W. Lawson and Norman E. Lawson, copartners, trading as I. W. Lawson & Co., Crisfield, Md., alleging shipment within the period from on or about November 8 to on or about December 18, 1940, from the State of Maryland into the States of Pennsylvania and California, of quantities of oysters that were adulterated in that a substance, namely, water, had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase their bulk or weight and reduce their quality.

On October 3, 1941, the defendants having entered a plea of nolo contendere, the court entered a judgment of not guilty.

2404. Adulteration of oysters. U. S. v. Wilbur F. Morgan and Cranston Morgan (W. F. Morgan & Son). Plea of guilty. Fine, \$20. (F. D. C. No. 4173. Sample Nos. 20932-E, 20933-E.)

This product contained added water.

On July 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Wilbur F. Morgan and Cranston Morgan, copartners, trading as W. F. Morgan & Son, Weems, Va., alleging shipment on or about November 12, 1940, from the State of Virginia into the State of North Carolina of a quantity of oysters that were adulterated.

The article was alleged to be adulterated in that water had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 21, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$20.

2405. Misbranding of canned oysters. U. S. v. 34 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 4972. Sample No. 49364-E).

The drained weight of this product was short of the declared drained weight.

On June 23, 1941, the United States attorney for the District of Massachusetts filed a libel against 34 cases of canned oysters at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 10, 1941, by Humphreys Canning Co. from Gulfport, Miss.; and charging that it was misbranded. The article was labeled in part: (Cans) "Treasure Bay Brand Oysters Drained Wt. 5 Oz. Packed by Kuluz Bros. Pkg. Co., Inc. Biloxi, Miss."

It was alleged to be misbranded in that the statement "Drained Weight 5 Oz." was false and misleading since the can contained less than that amount of oysters. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2406. Adulteration of canned oysters. U. S. v. 5 Cases of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 5149. Sample Nos. 49176-E, 60436-E.)

Examination of this product showed the presence of decomposed oysters.

On July 16, 1941, the United States attorney for the District of Oregon filed a libel against 5 cases of canned oysters at Salem, Oreg., alleging that the article had been shipped in interstate commerce on or about May 19, 1941, by Indian Ridge Canning Co. from Houma, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tasty Pak Oysters Net Contents 5 Ozs. Avoir."

On September 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2407. Adulteration and misbranding of canned clams. U. S. v. 22 Cases of Clams. Default decree of condemnation and destruction. (F. D. C. No. 4899. Sample No. 51008-E.)

This product contained excessive packing medium.

On June 10, 1941, the United States attorney for the District of Rhode Island filed a libel against 22 cases of clams at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about April 5, 1941, by L. A. Fish & Co. from Machias, Maine; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Fish's Maine Clams Contents 10½ Oz. Avoir."

The article was alleged to be adulterated in that diluted clam juice had been substituted in whole or in part for clams. It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On December 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2408. Adulteration of crab meat. U. S. v. 90 1-Pound Tins of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 5869. Sample No. 50579-E.)

This product contained evidence of the presence of filth.

On August 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 1-pound tins of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by N. R. Coulbourn from Hampton, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2409. Adulteration and misbranding of shrimp. U. S. v. 19 Cases of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 4878. Sample No. 35193-E.)

Examination of this product showed the presence of decomposed shrimp. It consisted of a mixture of ungraded shrimp containing appreciable quantities of shell, feelers, and swimmerets, and was of poor color, not uniform, not fresh, and was also short of the declared weight.

On June 4, 1941, the United States attorney for the Western District of Louisiana filed a libel against 19 cases, each containing 48 cans, of shrimp at De Quincy, La., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by the Phelan Co. from Beaumont, Tex.; and charging that it was adulterated and misbranded. The article was labeled in part: "Ama Brand Wet Pack Fancy Shrimp Drained Weight 5¼ Ounces Packed by A. M. Angelette Raceland, Louisiana."

The article was alleged to be adulterated in that it consisted wholly or in part of decomposed shrimp containing appreciable amounts of shell, feelers, and swimmerets.

It was alleged to be misbranded in that the term "Fancy" and the statement "Drained Weight 5¼ Ounces" were false and misleading as applied to an